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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,416	10/20/2000	Thomas Collins	20206-014(PT-TA-410)	1055

7590

04/08/2005

HEWLETT-PACKARD COMPANY
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EXAMINER

SMITHERS, MATTHEW

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

Response to Amendment

The replies filed on February 7, 2005, March 18, 2005 and March 25, 2005 are not fully responsive because of the following omission(s) or matter(s):

With respect to the February 7, 2005 amendment for the reissue case with serial no. 09/694,416, each of the claims that are not in the original patent must be marked in accordance with MPEP 37 CFR 1.173. More specifically, claims 14-61 must be underlined with respect to the original patent because the claims were not a part of the original patent. See MPEP 37 CFR 1.173 (d)(2).

Also, with respect to the February 7, 2005 amendment, the amendment was not filed in triplicate nor was the amendment served on the third party requester.

With respect to the March 18, 2005 amendment, it was properly submitted in triplicate and served on the third party requester. However, the claims in the amendment were not marked in accordance with MPEP 37 CFR 1.173.

With respect to the March 25, 2005 amendment, it was properly submitted in triplicate and served on the third party requester. The March 25, 2005 amendment attempted to correct the deficiencies found in the March 18, 2005 amendment, however,

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claim 4 failed to comply with MPEP 37 CFR 1.173(d)(1). Specifically with claim 4, all matter to be omitted from the claim must be enclosed in brackets and not marked with a strike-through indication.

For applicants convenience the section of MPEP 37CFR 1.173 referring to marking changes to the claims in a reissue application is reproduced below:

1.173 Reissue specification, drawings, and amendments.

(b) Making amendments in a reissue application. An amendment in a reissue application is made either by physically incorporating the changes into the specification when the application is filed, or by a separate amendment paper. If amendment is made by incorporation, markings pursuant to paragraph (d) of this section must be used. If amendment is made by an amendment paper, the paper must direct that specified changes be made.

(d) Changes shown by markings . Any changes relative to the patent being reissued which are made to the specification, including the claims, upon filing, or by an amendment paper in the reissue application, must include the following markings:

- (1) The matter to be omitted by reissue must be enclosed in brackets; and
- (2) The matter to be added by reissue must be underlined, except for amendments submitted on compact discs (§§ 1.96 and 1.821(c)). Matter added by reissue on compact discs must be preceded with "<U>" and end with "</U>" to properly identify the material being added.

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Since the above-mentioned replies appear to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Also, since applicant has been given numerous attempts to correct the nonresponsive amendment, any further non-responsiveness will be considered as a non bona fide reply.

Further, submitting all of the pending claims of the reissue in accordance with 37 CFR 1.173 that are currently being amended or were newly added with respect to the patent would be kindly appreciated by the new examiner in order to quickly respond to the amended changes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew T Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Matthew B Smithers
Primary Examiner
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